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AUSA's Erin Argo and Alicia Washington
United States Attorneys Office
273 Cadman Plaza East
Brooklyn New York 11201

BY ECF and email

Re: USA v Blaise Caroleo, 17 CR 177 (ENV)

Dear Ms. Argo and Ms. Washington,

Notice is hereby given pursuant to Federal Rules of Evidence 502(b) and (d) and Federal Rules of Civil Procedure 26 (b) (5) (B) that an email between Mr Caroleo and his attorney Marion Seltzer filed on September 10, 2019 under Docket Number 72 at page 4 was an inadvertent disclosure made without advice of counsel. Mr. Caroleo had no intention of nor did he waive his attorney-client privilege in filing this document. The email had no relevance to the purpose of Mr. Caroleo's communication with the court and was mistakenly attached to his pro se submission.

Rule 26 (b)(5) (B) states that

(B) ... If information is produced in discovery that is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

We therefore request that the mistakenly-produced document as well as other documents between Mr. Caroleo and his attorneys be promptly returned, sequestered or destroyed and any additional copies and the information contained on those copies not be distributed until this matter has been resolved by the court.

Yours truly,

Marion Seltzer